

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

CAC Maritime, Ltd.

Plaintiff,

vs.

M/V OCEAN FORCE, IMO 8215613, its  
engines, tackle and apparel,

Defendant *in rem*.

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CIVIL ACTION NO.:

IN ADMIRALTY, Rule 9(h)

**VERIFIED COMPLAINT WITH REQUEST  
FOR ISSUE OF WARRANT OF ARREST**

CAC Maritime, Ltd. (“CAC”) brings this action against defendant OCEAN FORCE, IMO 8215613, its engines, tackle and apparel (“Vessel”), *in rem*, pursuant to Supplemental Rule C for Certain Admiralty and Maritime Claims states as follows:

**Jurisdiction and Venue**

1. This is an action within this Court’s admiralty jurisdiction pursuant to 28 U.S.C. § 1333 and is an admiralty or maritime claim within Fed. R. Civ. P. 9(h).
2. Venue is proper in this District because the Vessel is located in this District.

**The Parties**

3. CAC is a vessel charterer located in Panama.
4. The Vessel is an ocean-going roll on-roll off vessel.

**Facts**

5. On or about December 23, 2020 CAC chartered the Vessel from the Vessel’s owners, Redbrick Ventures, Inc. c/o Primeshipping International, BVI corporation, office, ofis 301N, ul Very Inber 5, Odessa, 65014, Ukraine (“Owners”), taking possession of the Vessel at or near Fall River, Massachusetts. Almost immediately, CAC began to experience problems with

the Vessel and cargo. Owners had represented that the Vessel would have some small amount of Owners' equipment aboard, but instead, it was cargo; there were aboard (and remain aboard) four 40 foot containers, and two twenty foot containers, filled with hazardous cargo.

6. Because Owners had failed to unload the excess cargo from the Vessel, the Vessel could not fully load cargo at Fall River, causing CAC to lose profits; then proceeded to St. Martin and then to Guadaloupe, but experienced delays in loading. The Vessel then proceeded to Jacumel, Haiti, where it was supposed to unload cargo, but did not because of problems with the port there. The Vessel then proceeded from Jacumel to Wilmington, to take on further cargo.

7. On arrival at Wilmington, however, the Vessel could not take on the cargo to be loaded because the Vessel still had failed to discharge the unload cargo at Haiti and also was carrying the six containers, left on the Vessel from a prior voyage and prior to the Charter Party with CAC.

8. The Vessel consequently was not fit for its purpose, namely, not being cleared with cargo before the Charter Party, and then failing to loading cargo and timely proceeding as required by the Charter Party.

9. CAC has suffered damages from this breach of charter party, as demanded below.

**Count I – Breach of Maritime Contract**

9. CAC incorporates the above paragraphs as if fully set forth herein.

10. Owners of the Vessel have breached their maritime contract, namely, the Charter Party, with CAC as set out above. CAC therefore demands judgment against the Vessel, as set out more fully below.

**Count II – Maritime Lien In Rem Against the Vessel and Proceeds**

11. CAC incorporates the above paragraphs as if fully set forth herein.

12. CAC as a consequence of the breach of charter party holds maritime liens *in rem* against the Vessel and proceeds. CAC therefore demands judgment against the Vessel and proceeds, as set out more fully below.

**Prayer for Relief**

WHEREFORE, CAC prays:

A. That in response to Count I, this Court enter judgment against the Vessel and in favor of CAC for at least \$500,000, and contractual interest plus further amounts for attorneys' fees of at least \$150,000, **total, \$650,000.**

B. In response to Count II, that this Court order that the *in rem* claims against the Vessel of CAC proceed against the Vessel, *in rem*, and that on judgment CAC's maritime lien claims *in rem* be paid from the proceeds, in the amount of at least that demanded above; and

C. That this Court award CAC such other and further relief that this Court deems just and proper.

YOUNG CONAWAY STARGATT  
& TAYLOR, LLP

*/s/ Timothy Jay Houseal*

**OF COUNSEL**

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Timothy Jay Houseal (Del. Bar ID No. 2880)  
Rodney Square  
1000 North King Street  
Wilmington, DE 19801  
(302) 571-3267  
thouseal@ycst.com

Dated: February 12, 2021

*Attorneys for CAC Maritime Ltd.*

**VERIFICATION**

I am a Principal of the law firm Simms Showers LLP, of counsel to CAC.

The facts alleged in the foregoing complaint are true and correct to the best of my knowledge and information based upon the records of CAC made available to me by CAC. Authorized officers of CAC are not readily available in this District to make verifications on CAC' behalf. I am authorized to make this verification on CAC's behalf.

Pursuant to 28 U.S.C. § 1746(1), I solemnly declare under penalty of perjury that the foregoing is true and correct.

Executed on February 12, 2021.

/s/ J. Stephen Simms

J. Stephen Simms

Simms Showers LLP

201 International Circle

Baltimore, Maryland 21030

Tel: 410-783-5795

Email: [jssimms@simmsshowers.com](mailto:jssimms@simmsshowers.com)

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February 12, 2021

Mr. John A. Cerino, Clerk  
United States District Court  
for the District of Delaware  
844 N. King Street, #18  
Wilmington, DE 19801

Re: CAC Maritime, Ltd. v. M/V OCEAN FORCE, IMO 8215613

Dear Mr. Cerino:

As Counsel for CAC Maritime, Ltd., (“CAC”) I write to request expedited handling of our motion to issue the Rule C ship arrest warrant.

Plaintiff has filed an action for breach of maritime contracts. The requested writ seeks to arrest the Vessel M/V OCEAN FORCE, which is at anchor in this District but may be departing as soon as today.

Supplemental Admiralty and Maritime Rule C provides for the immediate issue of a vessel arrest warrant. If the warrant is delayed, the Vessel may depart the District before the issuance and service of the warrant.

Plaintiff CAC respectfully requests that the motion for warrant of arrest be handled on an expedited basis and transmitted today to the Court for consideration and entry.

Respectfully submitted,

*/s/ Timothy Jay Houseal*

Timothy Jay Houseal (DE. I.D. #2880)

cc: J. Stephen Simms, Esq.

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

CAC Maritime, Ltd.

(b) County of Residence of First Listed Plaintiff Panama  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Timothy Jay Houseal, YOUNG CONAWAY STARGATT & TAYLOR LLP,  
Rodney Square, 1000 North King Street, Wilmington, DE 19801, (302)  
571-6682

**DEFENDANTS**

M/V OCEAN FORCE

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input checked="" type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. § 1333

Brief description of cause:

Breach of Maritime Contract**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$  
650,000

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

2/12/2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ Timothy Jay Houseal (Del. Bar ID No. 2880)

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_